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09/747,320	12/22/2000	Phyllis R. Budka	243768044US	1285

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EXAMINER

COLON, CATHERINE M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1

# Office Action Summary

Application No.

09/747,320

Applicant(s)

BUDKA ET AL.

Examiner

C. Michelle Colon

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

*[Handwritten signature]*

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 23, 2005 has been entered.

Claims 1, 8, 13, 15 and 19 have been amended. Claims 1-19 are now pending in this application.

### ***Response to Amendment***

2. Applicant's amendments to claims 1, 8, 13, 15 and 19 are acknowledged.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 8, 15 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear exactly who an "owner" is. For example, the owner can be the project manager, or the owner can be the person responsible for completing the task. For purposes of examination, an owner will be

interpreted as a person who has been authorized to access and edit the task information.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al. (U.S. 5,765,140).

As per claim 1, Knudson et al. discloses a data structure for an automated project tracking system, the data structure residing in a computer readable memory and comprising:

a project window comprising a project identification field formatted to receive and display a project identifier and a project status field formatted to receive and display a project status (col. 2, lines 42-46 and 56-63; col. 4, lines 47-67; Figure 1; The system discloses a project tracking system that incorporates the well known "windows" interface and appearance to view and edit project data such as identification and status information. Projects are tracked and maintained in a database.);

a request window comprising a request identification field formatted to receive and display a request identifier and a request status field formatted to receive and display a request status (col. 5, line 59-col. 6, line 30; Figure 4; Project managers use

the project management interface to request to create new projects or view and update data on existing projects, including project tasks, task status and personnel assigned to each task.); and

a task window comprising a task identification field formatted to receive and display a task identifier and a task status field formatted to receive and display a task status (col. 2, lines 57-60; col. 7, lines 1-14; col. 9, lines 48-50; Figure 1; The system discloses a task window in which task identifier and status are displayed to a user.), the task window being read access only to a user who is not an owner (col. 5, lines 23-26 and 59-63; col. 6, lines 37-40; col. 7, line 59-col. 8, line 3; Each user of the system has an associated security access level that dictates their access to the project data, where the lowest level indicates minimal access (i.e., read only access) and the highest level indicates full administrative access (i.e., full write access).),

wherein one of the request window and task window is displayed within the project window while the project identifier and the project status are displayed within the project window concurrently (col. 2, lines 42-46 and 56-64; col. 4, lines 47-67; col. 6, lines 60-65; Figure 1; The system discloses that each module has its own interface analogous to the windows functionality well known to Microsoft Windows software. The system also discloses the ability for users to view and manage tasks associated with specific, identified projects.). Knudson et al. does not expressly disclose wherein the request and task windows are displayed as overlapped pages within the project window and each of the request and tasks windows is selectable via a page selector within the project window. However, Knudson et al. does disclose that each module has an

interface with the typical and well known Microsoft Windows appearance and functionality (col. 4, lines 47-67; col. 6, lines 60-65). It is old and well known that an application having "typical" Microsoft Windows appearance and functionality consists of multiple display windows on the computer screen, the display windows being selectable with a selector such as a mouse pointer and being able to be moved and placed around the computer screen including being able to overlap each other. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Knudson et al. to have certain project management windows be displayed as overlapped pages and be selectable since such functionality is so old and well known in the art, that it is the type of interface most computer users are accustomed to, therefore, providing a flexible, convenient and easy-to-use interface for users.

As per claim 2, Knudson et al. discloses the data structure of claim 1, wherein the project window further comprises a request list, comprising:

a request identification field formatted to display a request identifier for each of a number of requests for a project and a request status field formatted to display a request status for each of the number of requests for the project (col. 5, line 53-col. 6, line 30; Figure 4; Project managers use the project management interface to request to create new projects or view and update data on existing projects, including project tasks, task status and personnel assigned to each task.).

As per claim 3, Knudson et al. discloses the data structure of claim 1 wherein the request window further comprises a task list, comprising:

a task identification field formatted to display a task identifier for each of a number of tasks for a request for a project and a task status field formatted to display task status for each of the number of tasks for the request for the project (col. 6, lines 4-36; col. 7, lines 1-14; Figure 4; The system discloses a task assignments table, which identifies individual tasks and tracks their status as well as the responsible resource.).

As per claim 4, Knudson et al. discloses the data structure of claim 1 wherein the task window further comprises an invoice list, comprising:

an invoice identification field formatted to display an invoice identifier for each of a number of invoices for a task and an invoice amount field formatted to display an invoiced amount for each of the number of tasks (col. 9, lines 1-4; The system discloses billing and charge back functionalities in the project tracking system.).

As per claim 5, Knudson et al. discloses the data structure of claim 1 wherein the task window further comprises:

a committed amount field formatted to automatically display a cumulative total of amounts committed to a project and an invoiced amount field formatted to automatically display a cumulative total of amounts invoiced to the project and a balance amount field formatted to automatically display a difference between the cumulative total of amounts committed to the project and the cumulative total of amounts invoiced to the project (col. 8, lines 4-40; The system tracks the progress of project tasks so that cumulative labor costs are also tracked.).

As per claim 6, Knudson et al. discloses the data structure of claim 1 wherein the project window further comprises a funding source list, comprising:

a funding source identification field formatted to display a funding source identifier for each of a number of funding sources for a project and a funding amount field formatted to display a funding amount for each of the number of funding sources for the project (col. 8, lines 10-29; The system discloses mapping funding sources to projects, where the funding sources are identified and stored in a database.).

As per claim 7, Knudson et al. discloses the data structure of claim 1 wherein the request window further comprises a request list, comprising:

a request identification field formatted to display a request identifier for each of a number of requests for a project and a request status field formatted to display a request status for each of the number of requests for the project (col. 5, lines 53-58; col. 6, lines 4-30; The system discloses a request window (TES/Plan interface module) through which users request to assign resources to project tasks.).

The limitations of claims 8-12 and 14-19 are substantially similar to those recited in claims 1-7. As such, claims 8-12 and 14-19 are rejected based on the same reasoning applied to claims 1-7 above.

As per claim 13, Knudson et al. does not expressly disclose wherein the visual representation of the project window is in a first color, the visual representation of the request window is in a second color and the visual representation of the task window is in a third color. However, Knudson et al. does disclose utilizing the appearance of typical Microsoft windows (col. 6, lines 55-67). It is old and well known for the windows



of Microsoft to be able to be altered in terms of size, color and font. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art for the system of Knudson et al. to utilize the appearance features/functions of its Microsoft windows application so that users can more easily view the different data of the project, thus enhancing the user-friendliness of the project tracking system.

### ***Response to Arguments***

7. Applicant's arguments regarding the newly added limitation have been addressed in the updated rejection provided above.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

***Alexandria, VA 22313-1450***

or faxed to:

703-872-9306 [Official Communications; including After Final  
communications labeled "Box AF"]

571-273-6727 [For status inquiries, draft communication, labeled  
"Proposed" or "Draft"]

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Catherine Michelle Colón  
Patent Examiner  
Art Unit 3623  
August 8, 2005